

# Report on NEPA Task Force Recommendations Released

The National Environmental Policy Act (NEPA) Task Force released its final report today recommending to the White House Council on Environmental Quality (CEQ) ways to improve NEPA implementation through new technology, best practices, and more modern information and management systems. The Task Force, convened last year by CEQ, is an interagency group of experienced career Federal employees, including NEPA experts, who conducted an extensive review of NEPA's implementation. CEQ and other Federal agencies, in ongoing consultation with local government and other interested parties, will consider the Task Force recommendations for ways to advance the Administration's commitment to make the NEPA process more collaborative, more efficient, and timelier.

## **Background on NEPA and the NEPA Task Force**

Signed into law by President Richard Nixon on January 1, 1970, NEPA calls upon Federal agencies to evaluate the environmental and other effects of proposed actions to better inform project planning and design, and produce better project decisions. In actions with significant environmental effects, the NEPA process informs and provides an important forum for input from the public, state, local, and tribal governments, as well as Federal agencies. More information about NEPA is available on NEPANet, <http://ceq.eh.doe.gov/nepa/nepanet.htm>.

- **The Purpose Behind Convening a NEPA Task Force:**

- Following over 30 years of experience implementing NEPA, numerous parties have identified the need for greater efficiency and effectiveness in planning and decision making under NEPA, including the need to take better advantage of recent advancements in technology and management techniques for complex projects, and to improve communications and collaboration between Federal agencies and the public.

⇒ Examples of Basic Problems That Can Be Addressed:

1. Some agencies must revisit issues that were overlooked because they did not engage Federal, state, or local agencies or tribal governments at an early stage in their analysis
  2. Two agencies use different models or methodologies to determine the environmental effects of a proposed action and to develop a plan to avoid or reduce the effects. This situation can lead to differences in degree – and type – of effects identified and result in inconsistent or inadequate efforts to mitigate environmental effects.
- CEQ convened the NEPA Task Force to support Federal agencies' efforts to modernize their practices to reflect the roles that technology, best practices, and better collaboration with the state, local, and tribal governments; and the public can play in government in the 21st century.<sup>1</sup>
  - The NEPA Task Force formally began its work May 20, 2002, and reviewed current NEPA implementing practices across a range of government activities. Documents pertaining to the work of the Task Force are available at <http://ceq.eh.doe.gov/ntf/>.
  - The NEPA Task Force included Federal employees with decades of experience working with NEPA including representatives from the Environmental Protection Agency, U.S. Forest Service, Bureau of Land Management, National Oceanic and Atmospheric Administration, Army Corps of Engineers, U.S. Geological Survey, Federal Aviation Administration, and Department of Energy.

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<sup>1</sup> <http://ceq.eh.doe.gov/ntf/20020410memo.html>

- The Task Force interviewed Federal agencies; solicited and reviewed public comments, literature, reports, and case studies; and interacted with officials from state, local, and tribal governments, and interest groups. The Task Force received comments from more than 650 respondents representing Federal, State, and tribal government agencies, other organizations and individuals.<sup>2</sup>

## NEPA Task Force Recommendations

- The NEPA Task Force final report, *Modernizing NEPA Implementation*, contains recommendations to improve and modernize the NEPA process. A set of case studies highlighting useful practices will be published separately. The report's recommendations are not mandatory, legally binding, nor final agency action. The recommendations are a reference and resource for decision makers and interested parties working to bring the NEPA implementation processes in line with 21<sup>st</sup> Century methods and needs.
- The Task Force's recommendations focused on the following topics:
  - *Technology and Information Management and Security*
    - ⇒ Promote the development and use, and coordinate the sharing of NEPA information systems, by sponsoring meetings, conferences, and workshops;
    - ⇒ Ensure that NEPANet accommodates and responds to new developments in information technologies;
    - ⇒ Clarify the appropriate role of technology in communicating during the NEPA process to enhance public involvement.
  - *Federal and Intergovernmental Collaboration*
    - ⇒ Establish a Federal Advisory Committee to advise CEQ on improving collaboration by designing training for Federal, state, local, and tribal partners focused on NEPA principles, agencies' missions, communication, and collaboration skills.
    - ⇒ Develop a "Citizen's Guide to NEPA" to explain basic NEPA requirements, dispel common misinterpretations, and provide helpful tips about how to participate in the NEPA process.
  - *Programmatic Analyses and Tiering*
    - ⇒ Emphasize the importance of collaboration as agencies expand the use and scope of programmatic NEPA analyses. Programmatic analyses apply to broad proposals and evaluate effects on a large scale either geographically or generically based on similarities. Tiered analyses are the more site-specific follow-up analyses. The guidance should also emphasize that programmatic documents should explain where and when deferred issues that were raised by the public or regulatory agencies will be addressed and describe the proposed scenarios under which they will be considered.
    - ⇒ Develop criteria for agencies to use when evaluating whether a programmatic document has become outdated.

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<sup>2</sup> <http://ceq.eh.doe.gov/ntf/comments/comments.html>

➤ *Adaptive Management and Monitoring*

- ⇒ Convene an adaptive management work group to consider issuing guidance or revising existing regulations to facilitate agencies' ability to exercise the option of incorporating adaptive management, which means managing to meet evolving situations, into their NEPA process. This approach would provide monitoring to determine the actual effects on the environment, and then allow for adaptive measures to make mid-course corrections.
- ⇒ Use mechanisms such as Environmental Management Systems (EMSs) to ensure monitoring and follow-up. EMSs integrate environmental concerns into daily operations, improve compliance, and improve environmental conditions.
- ⇒ Initiate a pilot study to identify, implement, and document representative actions using an adaptive management approach during the NEPA process.

➤ *Categorical Exclusions*

- ⇒ Clarify how to determine whether a new categorical exclusion is appropriate and encourage agencies to expand public outreach to facilitate greater public involvement. A categorical exclusion is a category of actions that have been found by the agency not to have an individually or cumulatively significant effect on the human environment, and therefore, require neither an environmental assessment nor an environmental impact statement.

➤ *Environmental Assessments*

- ⇒ Issue new guidance to specify the requirements for environmental assessments (EAs); to clarify content, use and purpose of EAs and Findings of No Significant Impact (FONSI)s; and to explain that public involvement requirements in an EA should be proportional to project scale and complexity, required mitigation, and public interest.
- The full report with the complete set of recommendations is published in hardcopy and is available in electronic format at <http://ceq.eh.doe.gov/ntf/>.

For more information, visit <http://ceq.eh.doe.gov/ntf/>